

## REMARKS/ARGUMENTS

The rejections presented in the Office Action dated January 31, 2006 (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 7-10 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant appreciates the indication of allowability for Claims 7-10 and 14 and has amended Claims 7, 8, 9 and 14 to be in independent form including limitations of their respective base claims. These amendments are believed to overcome the objection thereby rendering Claims 7-10 and 14 (Claim 10 depends from Claim 9) in condition for allowance; therefore, Applicant respectfully requests that the objection be removed.

Claims 1-6, 11-13 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,999,793 to Ben-Efraim *et al.* (hereinafter “Ben-Efraim”). Applicant respectfully traverses the rejection because the cited reference does not teach or suggest, alone or modified, each of the claimed limitations. For example, Ben-Efraim does not teach a tuning unit providing a synchronized tuning word for a phase locked loop in synchronization with the output of a frequency control word, as claimed. The Office Action asserts that Ben-Efraim’s microcontroller 488 provides both the claimed frequency control word and tuning word; however, the teachings of Ben-Efraim do not support such an assertion. The cited portion at columns 5 and 6 state that the charge pump is configured externally and the loop gain is also configured to be externally determined. Figs. 4 and 5 also show that the charge pump’s digital inputs 454 originate externally. None of the cited portions indicate that the microcontroller provides a frequency control word and a tuning word, as asserted. Thus, Ben-Efraim does not teach a mobile station having a tuning unit providing a synchronized tuning word for a phase locked loop in synchronization with the output of a frequency control word, as claimed. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

Moreover, the Office Action acknowledges that Ben-Efraim does not teach a synchronized tuning word being output in synchronization with the output of a frequency control word. In an attempt to overcome this deficiency, the Office Action asserts that Ben-Efraim's microcontroller would necessarily output a tuning word and frequency control word at the same time, or synchronized, because they are both provided to tune the PLL over the entire frequency range. In accordance with the above discussion, Applicant fails to recognize where Ben-Efraim teaches the claimed synchronized tuning word being output. Also, Ben-Efraim teaches that the outputs of microcontroller 488 into the asserted phase locked loop 426 are for a swallow counter 434 and a program counter 436, where the microcontroller may change the swallow counter 434 without adjusting the program counter 436. *See, e.g.*, column 11, lines 5-10. Thus, Ben-Efraim teaches that outputs to counters 434 and 436 do not necessarily occur together or at the same time as asserted. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection should not be maintained, and Applicant requests that the rejection be withdrawn.

Dependent Claims 2-6 depend from independent Claim 1, and dependent Claims 12, 13 and 15 depend from independent Claim 11. Each of these dependent claims also stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed modification of Ben-Efraim. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1 and 11. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-6, 12, 13 and 15 are also allowable over Ben-Efraim.

With particular respect to the rejection of dependent Claim 2, Applicant traverses because the Office Action fails to identify where the cited reference corresponds to each of

the claimed limitations. The Office Action does not indicate where Ben-Efraim teaches that asserted voltage controlled oscillator 450 outputs a frequency proportional to a voltage level inputted into the voltage controlled oscillator and a tuning unit that outputs a synchronized tuning word into the voltage controlled oscillator. It would appear that the only input to tuning oscillator 450 comes from tank circuit 412. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection should not be maintained, and Applicant requests that the rejection be withdrawn.

With particular respect to the rejection of dependent Claim 3, Applicant traverses because the Office Action fails to identify where the cited reference corresponds to each of the claimed limitations. The Office Action does not indicate where Ben-Efraim teaches providing a plurality of frequency tuning configurations. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection should not be maintained, and Applicant requests that the rejection be withdrawn.

With particular respect to the rejection of dependent Claim 5, Applicant traverses because the Office Action fails to identify where the cited reference corresponds to each of the claimed limitations. The Office Action does not indicate where Ben-Efraim teaches the phase locked loop including a feedback divider, as claimed. Applicant notes that the cited microcontroller 488 is located outside the asserted phase locked loop 426. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection should not be maintained, and Applicant requests that the rejection be withdrawn.

In addition to having to show that the cited reference teaches or suggests all of the claimed limitations, the Examiner must provide evidence of motivation from the cited reference to modify the reference as asserted. For example, the Office Action provides no citations to Ben-Efraim or evidence of any teachings that a skilled artisan would use Ben-Efraim's digital broadcast satellite receiver in a mobile station of a cellular telecommunications system. Without a presentation of any evidence from the cited reference of motivation to modify the reference as asserted, the §103(a) rejection is improper. Accordingly, Applicant requests that it be withdrawn.

New Claims 16 and 17 have been added to further characterize the claimed invention. New Claims 16 and 17 largely correspond to the allowable subject matter of Claims 8 and 9 and do not introduce new matter to the application. These new claims are believed to be patentable over the asserted reference for the reasons presented in connection with allowable Claims 7-10 and 14.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.056PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,

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